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Attorneys for Defendants UNITED AGRI PRODUCTS, INC., and UAP DISTRIBUTION, INC.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

KEN KUNZLER

Plaintiff,

v.

UNITED AGRI PRODUCTS, INC., UAP
DISTRIBUTION, INC., and DOES 1 through
25, inclusive

Defendants.

Case No. C 07-03555 EMC

**DEFENDANT'S NOTICE OF
SETTLEMENT AND REQUEST TO
POSTPONE STATUS CONFERENCE SET
FOR FEBRUARY 20, 2008**

Removal Filed: July 10, 2007
Trial Date: None Set

COMES NOW Defendant UAP Distribution, Inc. (hereinafter "Defendant"), pursuant to the instructions of the Court's assistant, and hereby provides notice that the parties have agreed to settle this lawsuit. The parties are working on finalizing the settlement, and they plan to file a Stipulation for Dismissal of All Claims with Prejudice (hereinafter "Stipulation") as soon as the settlement is finalized. At this time, Defendant is unsure that the parties can finalize the settlement and file the Stipulation prior to the status conference set for 2:30 p.m. on February 20, 2008. As such, Defendant, with the knowledge of Plaintiff, and at the suggestion of the Court's assistant, respectfully requests that the Court postpone the status conference set for February 20, 2008 (as

4842-2717-4402.1

1 well as the deadline for a submission regarding the same), until 2:30 p.m. on March 26, 2008, to
2 allow the parties additional time to file the Stipulation. If for some reason the parties have not
3 finalized the settlement and filed the Stipulation by March 26, 2008, they would appear that day
4 (by phone if permitted by the Court) and explain the status to the Court.

5
6 Dated: February 11, 2008

LEWIS BRISBOIS BISGAARD & SMITH LLP

7
8 By /s/
9 Shawn A. Toliver
Helen Lee Greenberg
10 Attorneys for Defendants UNITED AGRI
11 PRODUCTS, INC., and UAP
DISTRIBUTION, INC.

12
13 Dated: February 11, 2008

14 By /s/
15 Ross W. Johnson*
16 Carolyn A. Gunkel*
17 FAEGRE & BENSON LLP
18 * Admitted *pro hac vice*